(4)

Supreme Court, U.S.
FILED
5 2004
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No. 03-1447

IN THE

SUPREME COURT OF THE UNITED STATES

Jane Roe, II,

Petitioner,

v.

Aware Woman Center For Choice, Inc., a Florida corporation, Edward W. Windle, Jr., Patricia B. Windle, and William P. Egherman, M.D.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR REHEARING OF THE ORDER DENYING THE PETITION FOR WRIT OF CERTIORARI

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PETITION FOR REHEARING

On June 21,2004 the Petition For Writ Of Certiorari brought by Jane Roe, II was denied. Since that time, this Court has issued its opinion in *Hamdi v. Rumsfeld*, 542 U.S. _____(2004) on June 28, 2004. The *Hamdi* decision represents an intervening circumstance of substantial effect. There is a substantial issue now emphasized which was not previously presented to the Court.

The concern evidenced by this Court for Yaser Esam Hamdi is real and appropriate. In the instant case, as in *Hamdi*, American citizens were held against their will. This is a matter of great national concern. Yet Jane Roe, II who suffered more grievously has been refused justice by this same Court who has reached out to Mr. Hamdi.

In Mr. Hamdi's case, there are few if any other persons similarly endangered. That is not true in *Jane Roe, II.* Millions of American women are at risk from forced abortions. Thus the United States Supreme Court has a much greater obligation to take up the *Jane Roe, II* petition. The July 12, 2004 report " Forced Abortion In America" underscores that need. (Please see Selected Exhibit To Petition For Rehearing.)

When a lower court is promoting a particular agenda, the judges realize that their findings of fact will govern their conclusions of law. Therefore, it is appropriate for this Court to review and reverse the facts to comport with the evidence.

There is considerable evidence that the decision from the Eleventh Circuit has been crafted in such a way that the revised facts support a pro-abortion agenda. Jane Roe, II urges this Court to compare the deposition of Respondent

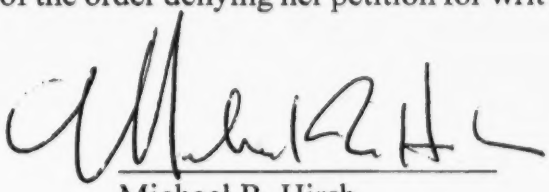
Egherman with the findings of the courts below.

Under these circumstances, the United States Supreme Court should not only revisit the *Jane Roe, II* petition, it should do so under its inherent authority to control and protect the appearance of propriety in the lower courts.

The curse of the Eleventh Circuit's decision falls initially on Jane Roe, II. Ultimately it threatens all women. And, if the circuit court of appeals has intentionally misstated the facts, then the United States Supreme Court is obliged to correct this wrong. Such a debt is owed to every man, woman and child.

CONCLUSION

For these reasons, the Court must grant Jane Roe, II's petition for rehearing of the order denying her petition for writ of certiorari.



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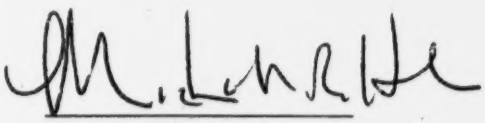
CERTIFICATE OF COUNSEL

I, Michael R. Hirsh, counsel of record for the petitioner, Jane Roe, II, do hereby certify that the foregoing petition for rehearing of the order denying the petition for writ of certiorari is restricted to the grounds specified in paragraph 2 of Supreme Court Rule 44 and that this petition is presented in good faith and not for delay.

Respectfully submitted,



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